

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.
)	
Plaintiff,)	JUDGE
)	
v.)	
)	
\$22,955.00 U.S. CURRENCY SEIZED ON)	
FEBRUARY 28, 2019, BY HOMELAND)	
SECURITY INVESTIGATIONS,)	
)	
Defendant.)	COMPLAINT IN FORFEITURE

NOW COMES plaintiff, the United States of America, by Justin E. Herdman, United States Attorney for the Northern District of Ohio, and James L. Morford, Assistant U.S. Attorney, and files this Complaint in Forfeiture, respectfully alleging as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

JURISDICTION AND INTRODUCTION

1. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. Section 1345, and over an action for forfeiture under 28 U.S.C. Section 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C. Section 881(a)(6).

2. This Court has *in rem* jurisdiction over the defendant currency: (i) pursuant to 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) pursuant to 28 U.S.C. Section 1355(b)(1)(B), incorporating 28 U.S.C. Section 1395,

because the action accrued in this district. This Court will have control over the defendant currency through service of an arrest warrant *in rem*, which U.S. Customs and Border Protection will execute upon the defendant currency. *See*, Supplemental Rules G(3)(b) and G(3)(c).

3. Venue is proper in this district: (i) pursuant to 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) pursuant to 28 U.S.C. Section 1395 because the action accrued in this district.

4. On February 28, 2019, the defendant \$22,955.00 U.S. Currency was seized from Jashawn Joyner at the Cleveland Hopkins International Airport. The seizure was made pursuant to a Department of Homeland Security - Homeland Security Investigations (HSI) / Cleveland Police Department (CPD) investigation. The defendant currency is now in the custody of the federal government.

5. Subsequent to the seizure, U.S. Customs and Border Protection (CBP) commenced an administrative forfeiture proceeding against the defendant currency. A claim to the defendant currency was submitted by Jashawn Joyner in the administrative forfeiture proceeding, thereby requiring the filing of this judicial forfeiture action.

6. The defendant \$22,955.00 U.S. Currency is subject to forfeiture to the United States under 21 U.S.C. Section 881(a)(6) in that it constitutes proceeds from illegal drug trafficking activities, and/or was used - or was intended to be used - in exchange for illegal controlled substances, and/or was used - or was intended to be used - to facilitate illegal drug trafficking activities.

FORFEITURE

7. On February 28, 2019, Jashawn Joyner arrived at the Cleveland Hopkins International Airport for his United Airlines flight to Los Angeles, California. At approximately

6:30 p.m., Joyner presented his bag to the Transportation Security Administration (TSA) for administrative screening.

8. During the TSA administrative screening, the bag belonging to Joyner alerted for the presence of unidentified bulk masses. TSA protocol required the TSA officers to examine the bag to identify the nature of the bulk masses. During the administrative examination, TSA officers discovered a large quantity of U.S. currency – later determined to be the defendant \$22,955.00 U.S. Currency - inside the bag. The currency was rubber-banded together in bundles.

9. Thereafter, it was determined that the specific breakdown of the defendant \$22,955.00 U.S. Currency was as follows:

- 3 (\$5.00) bills;
- 1 (\$10.00) bill;
- 1,014 (\$20.00) bills;
- 21 (\$50.00) bills; and,
- 16 (\$100.00) bills.

10. \$20.00 bills frequently are used to conduct illegal drug transactions.

11. Following the discovery of the bulk U.S. currency, TSA officers notified the CPD at the airport. CPD officers observed the bulk U.S. currency and, in turn, notified HSI Cleveland.

12. A CPD Sergeant – acting on behalf of HSI – was present at the airport and responded to the TSA checkpoint to speak with Joyner. The CPD Sergeant advised Joyner that he was not under arrest and was free to leave at any time. Joyner agreed to go with the CPD Sergeant to the HSI office to answer questions regarding the discovered currency.

13. Present for the interview at the HSI office were the CPD Sergeant and an HSI Cleveland Task Force Officer (TFO). The HSI TFO immediately noticed that the defendant currency smelled strongly of marijuana.

14. The National Law Enforcement Communication Center was contacted and a criminal record check on Joyner was requested. Joyner has a criminal (drug) history.

15. On June 8, 2016, Joyner entered guilty pleas to the following charges in Case No. CR-15-599165-A, Cuyahoga County Court of Common Pleas:

Count 1: Trafficking Offense, in violation of ORC § 2925.03 A(2) (felony 4).

Count 3: Trafficking Offense, in violation of ORC § 2925.03 A(2) (felony 4), with juvenile specification(s).

Count 5: Drug Possession, in violation of ORC § 2925.11 A (felony 5).

16. Also in Case No. CR-15-599165-A, Cuyahoga County Court of Common Pleas, Joyner was ordered to forfeit, *inter alia*, the following properties to the State of Ohio:

- (i) \$930.00;
- (ii) scale;
- (iii) USPS labels.

17. Joyner has two (2) outstanding warrants for his arrest issued by The Superior Court of California, County of San Mateo, for drug violations.

18. On December 8, 2015, Joyner was arrested at the San Francisco International Airport (SFO) within San Mateo County. Joyner was in possession of approximately five (5) pounds of marijuana. The marijuana was vacuum sealed in separate packages. Each package contained approximately one pound. This method of packaging is consistent with individuals who illegally transport marijuana on airplanes from SFO to other parts of the country for resale.

19. As part of this arrest, Joyner was interviewed by a detective with the San Mateo County Sheriff's Office. He was read his *Miranda* rights from a department issued card, and stated "Yes" to indicate he understood his rights. Among other things, Joyner stated the following:

- (i) When asked "who he was going to sell the five pounds of marijuana to," Joyner said he did not know. He planned to find one buyer in Ohio who would purchase all of his marijuana.
- (ii) When asked how much money he made in a year, Joyner said approximately \$20,000.00.
- (iii) He estimated the marijuana he had might sell for \$10,000.00 in Ohio, but said he was not sure.
- (iv) When asked how many flights he had made to SFO, Joyner said "probably more than 10 flights just in 2015."

20. On April 1, 2016, Joyner was charged with the following offenses in Case No. 16-NF-100-A, Superior Court of California, County of San Mateo:

- (i) Sale/Offer to Sell/Transportation of Marijuana, in violation of HS11360(a) (felony).
- (ii) Possession of Marijuana for Sale, in violation of HS11359 (felony).
- (iii) Possessing a Controlled Substance, in violation of HS11350(a) (misdemeanor).
- (iv) Possessing Concentrated Cannabis, in violation of HS11357(a) (misdemeanor).

21. On August 2, 2016, a warrant for Joyner's arrest was issued in Case No. 16-NF-100-A, Superior Court of California, County of San Mateo.

22. On March 20, 2016, Joyner again was arrested at the San Francisco International Airport. On this occasion, Joyner was in possession of approximately one pound of marijuana in a large vacuum sealed bag.

23. Joyner again was interviewed by the detective with the San Mateo County Sheriff's Office. He was read his *Miranda* rights from a department issued card, and stated "Yeah I understand" to indicate he understood his rights. Among other things, Joyner stated he was going to transport the marijuana he purchased in California back to Ohio.

24. On July 15, 2016 – and based upon this second arrest - Joyner was charged with the following offenses in Case No. 16-NF-4362-A, Superior Court of California, County of San Mateo:

- (i) Sale/Offer to Sell/Transportation of Marijuana, in violation of HS11360(a) (felony), with "felony committed while released on bail or O.R." enhancement.
- (ii) Possession of Marijuana for Sale, in violation of HS11359 (felony), with "felony committed while released on bail or O.R." enhancement.

25. On August 2, 2016, a warrant for Joyner's arrest was issued in Case No. 16-NF-4362-A, Superior Court of California, County of San Mateo.

26. At the HSI office - following receipt of Joyner's criminal record information – the HSI TFO advised Joyner that he believed the currency in his (Joyner's) possession to be derived from the sale of narcotics and was going to be detained.

27. At or around this time, Joyner signed a DHS Form 4607, entitled "Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise." The form states as follows: "I hereby abandon all claims to the [U.S. Currency], and waive any further rights or proceedings relative to these articles."

28. A narcotics detection dog (Finnegan) positively alerted to the U.S. currency found in Joyner's bag. Finnegan is trained and certified through the State of Ohio in the detection of narcotic odor.

29. Following the seizure of the defendant \$22,955.00 U.S. Currency, HSI continued its inquiry of Joyner's illegal marijuana trafficking activities.

30. Between February 1, 2017 and June 20, 2017, Joyner transferred money to individuals in California via a money service business on approximately 13 separate occasions. The amount sent totaled approximately \$18,585.00.

31. A photograph posted by Joyner on his Facebook account on October 12, 2018 (captioned "LA Flow"), depicts distribution quantities of marijuana in various forms. Particularly, a bulk quantity of flower/bud marijuana is depicted in the photograph along with three (3) cases containing THC filled vape cartridges. Approximately 30 vape cartridges are contained within each of the three cases. Further, the photograph shows additional individually packaged marijuana vape cartridges.

32. A photograph posted by Joyner on his Facebook account – on May 10, 2019 – depicts Joyner sitting on the hood of a Cadillac automobile flashing a "fan" of U.S. Currency.

33. On or about August 8, 2019, Joyner posted a video to his Facebook account. The video was captioned "What does your 'Candy' drawer look like." Among other things, the video shows a dresser drawer full of packaged "edibles" marijuana candies. Each package has an approximate sale value of \$100.00.

CONCLUSION

34. By reason of the foregoing, the defendant \$22,955.00 U.S. Currency is subject to forfeiture to the United States under 21 U.S.C. § 881(a)(6) in that it constitutes proceeds from illegal drug trafficking activities, and/or was used - or was intended to be used - in exchange for illegal controlled substances, and/or was used - or was intended to be used - to facilitate illegal drug trafficking activities.

WHEREFORE, plaintiff, the United States of America, requests that this Court enter judgment condemning the defendant currency and forfeiting it to the United States, and providing that the defendant currency be delivered into the custody of the United States for disposition according to law, and for such other relief as this Court may deem proper.

Respectfully submitted,

Justin E. Herdman
U.S. Attorney, Northern District of Ohio

By:



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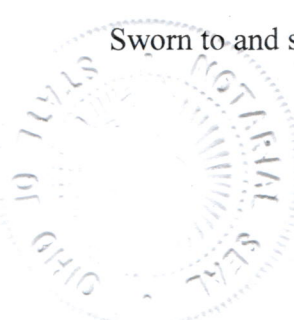
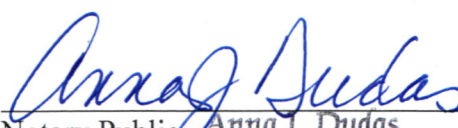
VERIFICATION

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

I, James L. Morford, under penalty of perjury, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and the attorney for the plaintiff in the within entitled action. The foregoing Complaint in Forfeiture is based upon information officially provided to me and, to my knowledge and belief, is true and correct.


James L. Morford (Ohio: 0005657)
Assistant United States Attorney, N.D. Ohio

Sworn to and subscribed in my presence this 13th day of August, 2019.



Notary Public Anna J. Dudas
Notary Public, State of Ohio
My Commission Expires 12-5-2021